

REMARKS

Applicant respectfully requests entry of the following amendments and remarks in response to the Office Action mailed December 9, 2008. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 5 and 7 – 30 are pending. In particular, claims 1 – 2 were previously withdrawn. Additionally, Applicant amends claims 3, 7 – 9, 15, 17, 22, and 24 and cancels claims 14 and 16. Applicant cancels claims 14 and 16 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicant first wish to express sincere appreciation for the time that Examiner Nash spent with Applicant's Attorney, Anthony Bonner, during a telephone discussion on March 5, 2009 regarding the outstanding Office Action. During that conversation, Examiner Nash and Mr. Bonner discussed potential arguments and amendments with regard to claim 3, in view of *Segur*. The general thrust of the potential principal arguments included a discussion of at least one embodiment of the present application disclosing that "the Internet call waiting (ICW) system includes an email system, and an instant messaging (IM) system." Thus, Applicants respectfully request that Examiner Nash carefully consider this response and the amendments.

II. Claim Objections

The Office Action indicates that claims 7 – 9 are objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant amends claims 7 – 9, as indicated above. Applicant submits that these amendments overcome the objection and respectfully requests that the objection be withdrawn.

III. Rejections Under 35 U.S.C. §112

The Office Action indicates that claims 4 – 5, 19 – 21, 25 – 26, and 28 – 30 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action alleges that the term “substantially” renders the claims indefinite. Applicant respectfully disagrees with this rejection. More specifically, MPEP §2173(b)(D) clearly indicates that the term “substantially” is definite “when one of ordinary skill in the art would know what is meant.” Applicant submits that use of the term “substantially” is clearly evident from the specification, when read by one of ordinary skill in the art. Accordingly, Applicant respectfully traverses this rejection and submits that claims 4 – 5, 19 – 21, 25 – 26, and 28 – 30 meet all the requirements of 35 U.S.C. §112, second paragraph.

IV. Rejections Under 35 U.S.C. §103

A. Claim 3 is Allowable Over *Segur* in view of *Brusilovsky*

The Office Action indicates that claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,212,550 (“*Segur*”) in view of “A Proposal for Internet Call Waiting Service Using SIP” (“*Brusilovsky*”). Applicant respectfully traverses this rejection for at least the reason that *Segur* in view of *Brusilovsky* fails to disclose, teach, or suggest all of the elements of claim 3. More specifically, claim 3 recites:

A system for integrating standard communication

modalities, the system comprising:

- an Internet call waiting (ICW) system configured to communicate a message for a callee using a first standard communication protocol;

- a second communication system configured to communicate using a second standard communication protocol; and

- a messaging server communicatively coupled to the Internet call waiting (ICW) system, the messaging server further being communicatively coupled to the second communication system, the messaging server being configured to receive a first communication from the Internet call waiting (ICW) system using the first standard communication protocol, ***the messaging server being further configured to send a query to determine whether the callee is a subscriber of the second communication system***, the messaging server further configured to convert the first communication into a second communication, the second communication being compatible with the second standard communication protocol, the messaging server being further configured to transmit the second communication to the second communication system using the second standard communication protocol,

- wherein the Internet call waiting (ICW) system includes an email system, and an instant messaging (IM) system.***

(Emphasis added).

Applicant respectfully submits that claim 3, as amended, is allowable over the cited art for at least the reason that neither *Segur* nor *Brusilovsky*, taken alone or in combination, discloses, teaches, or suggests a “system for integrating standard communication modalities, the system comprising... a messaging server... ***the messaging server being further configured to send a query to determine whether the callee is a subscriber of the second communication system... wherein the Internet call waiting (ICW) system includes an email system, and an instant messaging (IM) system***” as recited in claim 3, as amended. More specifically, *Segur* discloses “a centralized, multi-format communications client server to store messages in a plurality of communication formats” (column 1, line 58). However, *Segur* fails to even suggest a “***messaging server being further configured to send a query to determine whether the callee is a subscriber of the second communication system***” as recited in claim 3, as amended.

Additionally, *Brusilovsky* fails to overcome the deficiencies of *Segur*. More specifically, *Brusilovsky* discloses an “SCP [that] determines if a call is for an ICW subscriber” (page 7, line 11). However, *Zafar* fails to suggest a “***messaging server being further configured to send a query to determine whether the callee is a subscriber of the second communication system... wherein the Internet call waiting (ICW) system includes an email system, and an instant messaging (IM) system***” as recited in claim 3, as amended. For at least these reasons, claim 3, as amended, is allowable.

B. Claim 24 is Allowable Over *Segur* in view of *Brusilovsky*

The Office Action indicates that claim 24 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,212,550 (“*Segur*”) in view of “A Proposal for Internet Call Waiting Service Using SIP” (“*Brusilovsky*”). Applicant respectfully traverses this rejection for at least the reason that *Segur* in view of *Brusilovsky* fails to disclose, teach, or suggest all of the elements of claim 24. More specifically, claim 24 recites:

A method for integrating standard communication modalities, the method comprising:

receiving a first communication for a callee from a Internet call waiting (ICW) system, the first communication being compatible with a first standard communication protocol;

sending a query to determine whether the callee is a subscriber of a messaging system associated with a second standard communication protocol;

in response to a determination that the callee is a subscriber of the messaging system associated with the second standard communications protocol, converting the first communication into a second communication at a messaging server, the second communication; and

transmitting the second communication to a second communication system using the second standard communication protocol.

(Emphasis added).

Applicant respectfully submits that claim 24, as amended, is allowable over the cited art for at least the reason that neither *Segur* nor *Brusilovsky*, taken alone or in combination, discloses, teaches, or suggests a “method for integrating standard communication modalities,

the method comprising... ***sending a query to determine whether the callee is a subscriber of a messaging system associated with a second standard communication protocol*** as recited in claim 24, as amended. More specifically, *Segur* discloses “a centralized, multi-format communications client server to store messages in a plurality of communication formats” (column 1, line 58). However, *Segur* fails to even suggest “***sending a query to determine whether the callee is a subscriber of a messaging system associated with a second standard communication protocol***” as recited in claim 24, as amended.

Additionally, *Brusilovsky* fails to overcome the deficiencies of *Segur*. More specifically, *Brusilovsky* discloses an “SCP [that] determines if a call is for an ICW subscriber” (page 7, line 11). However, *Zafar* fails to suggest “***sending a query to determine whether the callee is a subscriber of a messaging system associated with a second standard communication protocol***” as recited in claim 24, as amended. For at least these reasons, claim 24, as amended, is allowable.

C. Claims 4 – 5, 7 – 8, 10 – 11, 13 – 23, and 25 – 30 are Allowable Over *Segur* in view of *Brusilovsky*

The Office Action indicates that claims 4 – 5, 7 – 8, 10 – 11, 13 – 23, and 25 – 30 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,212,550 (“*Segur*”) in view of “A Proposal for Internet Call Waiting Service Using SIP” (“*Brusilovsky*”). Applicant respectfully traverses this rejection for at least the reason that *Segur* in view of *Brusilovsky* fails to disclose, teach, or suggest all of the elements of claims 4 – 5, 7 – 8, 10 – 11, 13 – 23, and 25 – 30. More specifically, dependent claims 4 – 5, 7 – 8, 10 – 11, and 13 – 23 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 3. Further, dependent claims 25 – 30 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 24. Because *Brusilovsky* fails to overcome the deficiencies of

Segur and *Zafar*, claims 4 – 5, 7 – 8, 10 – 11, 13 – 23, and 25 – 30 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

D. Claims 9 and 12 are Allowable Over *Segur* in view of *Brusilovsky* in further view of *Zafar*

The Office Action indicates that claims 9 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,212,550 (“*Segur*”) in view of “A Proposal for Internet Call Waiting Service Using SIP” (“*Brusilovsky*”) in further view of U.S. Patent Number 7,142,646 (“*Zafar*”). Applicant respectfully traverses this rejection for at least the reason that *Segur* in view of *Brusilovsky* in further view of *Zafar* fails to disclose, teach, or suggest all of the elements of claims 9 and 12. More specifically, dependent claims 9 and 12 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 3. Because *Brusilovsky* fails to overcome the deficiencies of *Segur* and *Zafar*, claims 9 and 12 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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